

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Fabiola D. Colón, being first duly sworn, do here by depose and state that:

AGENT BACKGROUND

1. I am employed as a Special Agent with the Department of Homeland Security (DHS) Immigrations and Customs Enforcement (ICE), Homeland Security Investigations (HSI), San Juan Office, in Puerto Rico, currently assigned to the Public Safety Group (PSG). I have been employed as a Special Agent since February of 2022.
2. As a Special Agent, my responsibilities include conducting investigations of alleged manufacturing, distribution, or possession of controlled substances (Title 21, United States Code, Section 841(a)(1), importation of controlled substances (Title 21, United States Code, Section 952(a), smuggling of goods into the United States (Title 18, United States Code, Section 545), and firearms offenses. My training at the Federal Law Enforcement Training Center includes use of force, firearms trafficking, drug trafficking, human trafficking, money laundering, and more.
3. Because of this affidavit's limited purpose of establishing probable cause, it does not contain all of the facts known to Affiant or other law enforcement officers about the investigation, but only those necessary to sustain a probable cause determination. I am thoroughly familiar with the information contained in this Affidavit, either through personal investigation or discussions with other law enforcement officers who have interviewed individuals or personally have obtained information, which they in turn have reported to me.

FACTS IN SUPPORT OF PROBABLE CAUSE

4. On March 27, 2025 Homeland Security Investigations (HSI) Public Safety Group (PSG) was contacted in reference to an arrest made by the Puerto Rico Police Bureau (PRPB) Metropolitan Drug Unit (MDU). Special Agents (SA) and Task Force Officers (TFO) of HSI San Juan PSG responded to PRPB MDU Headquarters premises to assist with the investigation. The following information was obtained throughout the course of the investigation.
5. On March 24, 2025 afternoon, PRPB Agents were conducting surveillance at Las Margaritas PHP on Apartments #506 and #507. PRPB agents observed a male subject with deep complexion, heavysset, with long dreadlocks hair (**SUBJECT 1**) arrived on a Vento motorcycle. PRPB Agents observed the subject adjusted a firearm with his right hand and fixed his t-shirt as he was entering the building. Later, PRPB Agents observed two other subjects deep complexion, short height long hair with dreadlocks (**SUBJECT 2**) light complexion, black hair, slim of approximately 5'7" (**SUBJECT 3**) arrive on a Vento motorcycle and stopped in from of apartment #504 and accelerated the motorcycle. After that, PRPB Agents observed a deep complexion hand that dropped a clear plastic bag of approximately 6x6 inches with multiple smaller baggies with suspected marijuana inside from the apartment #506 balcony. **SUBJECT 3** retrieved the bag with both hands. **SUBJECTS 2 & 3** then moved in the motorcycle to the front of the gate to enter the building. After a few seconds, **SUBJECT 1** came down from the stairs. As he was coming out the gate, he was holding (2) clear plastic bags on his right hand. Agents observed, the clear plastic bags he was holding contained multiple clear vials with green lids with suspected crack cocaine and multiple clear baggies with

suspected cocaine. **SUBJECT 1** gave the bags to **SUBJECT 3**. **SUBJECTS 2 & 3** then left in the Vento motorcycle. **SUBJECT 1** was then observed going up the stairs. Seconds later, **SUBJECT 1** was observed in the balcony of apartment #507 talking on a cellphone.

6. On March 27, 2025, PRPB MDU Agents executed a State Search Warrant at Las Margaritas Public Housing Project (PHP), Building #13, Apartment #507, San Juan, PR. Immediately, while conducting entry through the living room, PRPB agents saw marijuana in plain view, on top of a table. During the execution of the State Search Warrant, PRPB Agents encountered one male subject in the bathroom, later identified as Luis Abdiel REYES-Nieves. REYES-Nieves was detained by PRPB and witnessed the execution of the search warrant. During the search, PRPB Agents found and seized the following items:

a. Living Room:

- i. Clear plastic bags with green leafy substance inside (suspected marijuana)
- ii. Plastic capsules with green leafy substance inside (suspected marijuana)
- iii. Aluminum pouches with green leafy substance inside (suspected marijuana)
- iv. Clear plastic bags with plastic capsuled with green leafy substance inside (suspected marijuana)
- v. (1) Orange Scale

- vi. Empty plastic capsules
- vii. (2) Notebooks
- viii. (2) Cellphones
- ix. Fanny Pack with:
 - 1. US Currency
 - 2. Pills
- b. Bedroom:
 - i. Knife
 - ii. (3) Cellphones
- c. Closet:
 - i. Plastic capsules with green leafy substance, suspected marijuana
 - ii. Pills
 - iii. Currency
 - iv. Clear plastic bags with green leafy substance, suspected marijuana
 - v. Drug trafficking paraphernalia
 - vi. (2) Radio scanners
- d. Kitchen:
 - i. (1) Aluminum pouch with green leafy substance, suspected marijuana
 - ii. (2) Rifle magazines
 - iii. (6) Magazines, .40 Caliber
 - iv. (3) Magazines .40 Cal. loaded with:
 - 1. (19) .40 Cal. Ammunition

2. (22) .40 Cal. Ammunition
3. (18) .40 Cal. Ammunition
- v. (27) 5.7 x 28 Cal. Ammunition
- vi. (1) 10mm Cal. Ammunition
- vii. (6) .223 Cal. Ammunition
- viii. (1) 7.62 x 39 Ammunition
- ix. (1) 5.56 Ammunition
- x. (100) .40 Caliber Ammunition
- xi. (1) Drum Style Magazine 9mm Cal.
- xii. (1) Glock Pistol 19, 9mm Cal. SN: HRK067
- xiii. (2) 9mm Cal. Magazine
- xiv. (1) Clear plastic bag with (70) 9mm Cal. Ammunition
- xv. (1) Rifle pistol EP Armory.223 Cal.
- xvi. (1) Drum Style Magazine 5.56 x 45 Cal.
- xvii. (1) Ammunition
- xviii. (1) Scale
- xix. Drug trafficking paraphernalia

7. See image below:



8. A sample of the suspected marijuana was field tested and came back positive to marijuana and fentanyl.
9. The seized Glock 19 pistol, SN: HRK067 is altered with a handmade protruding back silver plate with a machinegun conversion device known as “chip” golden in color, designed to allow it to fire more than one round with a single pull of the trigger. Based on my knowledge and experience this type of alteration makes the firearm capable of automatic firing, without manual reloading, with a single pull of the trigger. This alteration is known as a “chip” is common among handmade firearms alterations. See image below:



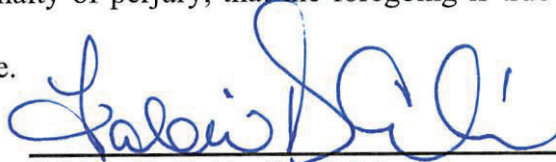
10. PRPB Agent who conducted the surveillance on March 24, 2025 identified REYES-Nieves as the **SUBJECT 1**.

11. HSI investigators identified themselves and showed their credentials to REYES-Nieves. REYES-Nieves was asked his name and biographical information, which he provided. REYES-Nieves was asked if he has married. REYES-Nieves stated he recently broken up with his girlfriend, who expelled him from where he lived, reason why he had to move to the vacant apartment where he was arrested. REYES-Nieves was advised of his Miranda Warnings and was offered a written form to read his rights. REYES-Nieves refused to read or sign warnings without a lawyer.

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CONCLUSION

12. Based upon my training, experience, and facts concerning this investigation, I respectfully believe there is sufficient probable cause to show that Luis Abdiel REYES-Nieves possessed 1.07 Kilograms of marijuana, with intent to distribute or dispense the substance in violation of Title 21 U.S.C. 841(a)(1) and (b)(1)(c). I also believe there is sufficient probable cause to show that REYES-Nieves possessed a firearm in furtherance of a drug trafficking crime in violation of Title 18 U.S.C. 924(c). I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.



Fabiola D. Colón, Special Agent
HSI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone in
San Juan, Puerto Rico, on 3/28/25 @ 1:18PM



Honorable Marshal D. Morgan
United States Magistrate Judge